IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
APPEAL FROM ORDER NO.685 OF 2005

The Pastorate Committee of the
Saint Andrews Church & anr. Appellants

Vs.

The Bombay Diocesan Trust
Association Pvt.Ltd. & ors. Respondents

Mr.Suresh Gole for appellants.
Mr.Navin Parikh ib. Ms.Shah Legal for resp.no.1.

CORAM: B.H.MARLAPALLE,J.
July 26, 2005.

ORAL ORDER:

1. Heard the learned counsel for the respective parties. Perused the affidavit-in-reply.

2. By the impugned order dated 28-4-2005 passed in Suit No.2034 of 2005 the ad-interim injunction has been ordered while granting leave under Order I Rule 8 of CPC. Keeping in mind the relationship admitted between the plaintiff and the defendant no.1 it would be expedient that this appeal is disposed off by directing the pending notice of motion to be heard expeditiously and in the mean while protecting the interest of both the parties so as to serve the community at large. The hall located on the ground floor of the newly constructed welfare centre is

sought to be used for running the school and the school hours are between 7 a.m. to 6 p.m. The school does not run its classed on Saturdays and Sundays on which days the Defendant No.1 Committee may hold some community functions but not weddings or wedding receptions. Such functions like naming ceremonies, birthday parties (without any alcoholic drinks being served) and other religious functions may be held.

3. The appeal is, therefore, disposed off by the following directions:

(a) The pending notice of motion be heard and decided on its own merits as expeditiously as possible and preferably by 31st October 2005.

(b) The defendants shall not in any way disturb the functioning of the school between 7 a.m. to 6 p.m. on all the school days.

(c) The plaintiff shall not object to holding the community functions as stated hereinabove on Saturdays and Sundays or any other holidays and the consideration received for such functions shall be

accounted by the party concerned by issuing an official receipt.

(d) In case the hall and the welfare centre and the adjacent two rooms have been locked by any of the parties, the same shall be opened forthwith and none of the parties shall resort to such method, except that the concerned management will lock the premises during night.

(e) The plaintiff as well as the defendants will be bound by the above directions during the pendency of the notice of motion.

4. The pleadings be completed by the next date.

(B.H.MARLAPALLE,J.)